

Message Text

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21

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT E-00 INR-07 NSAE-00 FAA-00 L-03 NSC-05 SS-15 /047 W

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R 300736Z JAN 76

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 2452

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E.O. 11652: N/A

TAGS: EAIR, ID

SUBJECT: CIVAIR - PENDING QUESTIONS

1. ADJOURNMENT OF CIVAIR NEGOTIATIONS WITH NOTHING SETTLED ON WHAT HAPPENS NEXT RAISES BOTH SHORT AND LONG TERM QUESTIONS. THIS MESSAGE CONTAINS USDEL'S RECOMMENDATIONS ON SHORT TERM QUESTIONS, SOME OF WHICH MAY REQUIRE US ACTION OVER NEXT FEW WEEKS.

2. THERE ARE TWO PANAM QUESTIONS PENDING. FIRST IS PANAM'S APPLICATION FOR A ONCE WEEKLY ALL-CARGO FLIGHT TO JAKARTA VIA JAPAN, AND KUALA LUMPUR TO BE EFFECTIVE FEBRUARY 6. GOI HAS DISAPPROVED ALL-CARGO FLIGHT BEFORE, BASED ON ITS VIEW THAT STATUS QUO SHOULD PREVAIL UNTIL CONSULTATIONS CONCLUDED. IT HAS ALSO SAID THAT, SINCE USG DID NOT PROTEST INDONESIAN ACTION, US HAS TACITLY ASSENTED TO STATUS QUO. WHILE WE HAVE SAID THAT US DID PROTEST (BY POINTING THAT BILATERAL AGREEMENT DID NOT PROVIDE FOR UNILATERAL ACTION), USDEL BELIEVES THAT IN FUTURE FORMAL PROTESTS SHOULD BE MADE IF GOI DISAPPROVES PANAM SCHEDULE CHANGES. IN PARTICULAR CASE OF PANAM ALL-CARGO FLIGHT, PANAM PROPOSES TO OPERATE THE FLIGHT BEGINNING FEBRUARY 6 IF IT DOES NOT RECEIVE ANY RESPONSE TO ITS APPLICATION (WHICH WAS EXPRESSED IN TERMS OF A NOTIFICATION). IN ORDER AVOID POSSIBILITY OF MISUNDERSTANDING ON THIS POINT, EMBASSY

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WILL SEND LETTER TO MINISTRY OF COMMUNICATIONS STATING

THAT IMPLEMENTATION OF THE SCHEDULE CHANGE EFFECTIVE FEBRUARY 6 WOULD BE CONSISTENT WITH THE BILATERAL AGREEMENT AND IS THEREFORE SUPPORTED BY USG. HOWEVER, IF PANAM RECEIVES A DISAPPROVAL NOTICE, IT WOULD NOT OPERATE THE FLIGHT. IN THIS EVENT, HOWEVER, USDEL RECOMMENDS THAT USG MAKE A FORMAL PROTEST BY DIPLOMATIC NOTE THAT INDONESIAN ACTION IS VIOLATION OF BILATERAL AGREEMENT. SUCH PROTEST SHOULD BE MADE EVEN IF IT IS UNLIKELY TO HAVE ANY EFFECT BECAUSE PROTEST IS NECESSARY GROUNDS FOR WITHHOLDING ACTION ON GARUDA'S APPLICATION TO CAB FOR FOREIGN AIR CARRIER PERMIT. GIVEN ADAMANT GOI POSITION IN NEGOTIATIONS AGAINST ANY ALL-CARGO SERVICE, USDEL BELIEVES DISAPPROVAL IS LIKELY.

3. SECOND PENDING PANAM QUESTION IS SCHEDULE CHANGE EFFECTIVE APRIL 25 WHICH PANAM IS FILING WITH GOI TODAY. NEW SCHEDULE WILL BE TWO FLIGHTS PER WEEK VIA HONOLULU AND GUAM TO JAKARTA AND TWO FLIGHTS PER WEEK VIA FIJI, AUCKLAND, AND SYDNEY TO BALI AND BEYOND TO HONG KONG. EFFECT OF THIS CHANGE IS TO WITHDRAW ALL FIFTH FREEDOM SERVICES AT JAKARTA (CURRENTLY ON THREE FLIGHTS) AND INCREASE FIFTH FREEDOM SERVICES AT BALI FROM ONE TO TWO FLIGHTS, FOR NET REDUCTION OF FIFTH FREEDOM FLIGHTS FROM FOUR TO TWO. THESE CHANGES SHOULD BE VIEWED FAVORABLY BY GOI, SINCE DIFFERENCE BETWEEN NEW PANAM SCHEDULE AND GOI POSITION IN TALKS IS ONE FLIGHT CARRYING SYDNEY-BALI AND HONG KONG-BALI TRAFFIC. HOWEVER, AS WITH ALL-CARGO FLIGHT, USDEL RECOMMENDS USG PROTEST ANY DISAPPROVAL OF APRIL 25 SCHEDULE CHANGE.

4. REMAINING QUESTION IS GARUDA'S APPLICATION TO CAB. USDEL BELIEVES THAT, IF GOI DISAPPROVES ANY OF PANAM SCHEDULE CHANGES, US IS ON FIRM GROUND IN WITHHOLDING FINAL ACTION ON GARUDA'S APPLICATION. INDEED, WE BELIEVE INDONESIANS ASSUME THAT CAB WOULD NOT ISSUE PERMIT. MORE DIFFICULT QUESTION IS RAISED IF GOI APPROVES ALL PANAM SCHEDULE CHANGES. WHILE THERE WOULD BE NO REQUIREMENT THAT US AUTHORIZE SERVICE TO LOS ANGELES (SINCE IT IS NOT A RIGHT GRANTED IN BILATERAL), LEGAL BASIS FOR NOT INCLUDING ALL THE INTERMEDIATE POINT RIGHTS WHICH GARUDA LIMITED OFFICIAL USE

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HAS REQUESTED AND WHICH ARE GRANTED IN BILATERAL IS QUESTIONABLE. THIS QUESTION NEED NOT BE FACED NOW, HOWEVER, AND WILL ARISE ONLY IF GOI APPROVES ALL PANAM SCHEDULE CHANGES.

5. AMBASSADOR IS REQUESTING AN APPOINTMENT WITH MINISTER OF COMMUNICATIONS SALIM TO REVIEW THE SITUATION. NEWSOM

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, NEGOTIATIONS, AVIATION AGREEMENTS, AIR ROUTE APPLICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976JAKART01343
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760035-1053
From: JAKARTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976016/aaaaaei.tel
Line Count: 115
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAY 2004 by BoyleJA>; APPROVED <20 MAY 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - PENDING QUESTIONS
TAGS: EAIR, ID, US, PANAM, GARUDA INDONESIAN AIRWAYS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006